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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 TAMARA LOHR and RAVIKIRAN SINDOGLI,  
11 on behalf of themselves and all others similarly  
12 situated,

13 Plaintiffs,

14 v.

15 NISSAN NORTH AMERICA, INC., and  
16 NISSAN MOTOR CO., LTD.,

17 Defendants.

Case No. C16-1023 RSM

**STIPULATED MOTION AND ORDER  
REGARDING CONTACT WITH  
PUTATIVE CLASS MEMBERS**

18 As contemplated by the Protective Order (Dkt. 54), and to implement a procedure for  
19 contacting absent putative class members that protects against putative class members being  
20 inappropriately influenced or subjected to harassment, the parties hereby stipulate to the following  
21 provisions regarding contact with absent putative class members by Plaintiffs' counsel, Defendant  
22 Nissan North America, Inc.'s ("NNA") counsel, and those acting on their behalf:

23 1. CONTACT PERMITTED BY BOTH SIDES

24 Plaintiffs' Counsel, NNA's Counsel, and those acting on their behalf shall be permitted to  
25 initiate informal oral communications with any putative class member who is not already represented  
26 by counsel, regardless of whether their identities are discovered through NNA's records or otherwise,  
27 and regardless of whether they claim to have experienced a "shattering event" (as that term is used in  
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1 the Amended Complaint, Dkt. # 12) with a panoramic sunroof, if the procedures set forth below are  
2 followed.

3 2. SCRIPT TO BE READ TO PUTATIVE CLASS MEMBERS

4 Prior to speaking with putative class members, Plaintiffs' Counsel, NNA's Counsel, and  
5 their representatives shall read a "script," attached as Exhibit A, that will inform the individual:

- 6 a. That litigation has been commenced against NNA regarding panoramic sunroofs;  
7 b. That the caller is contacting the individual on behalf of [plaintiffs or NNA];  
8 c. That the individual does not have any obligation to speak with the caller;  
9 d. That the individual is free to end the conversation at any time; and  
10 e. [For putative class members whose contact information was gained through PII  
11 produced by NNA in this litigation:] that NNA was required to produce the  
12 individual's PII by Court order.

13 3. NO DISRUPTION OF BUSINESS OPERATIONS

14 This Order shall not prevent NNA or its dealers from acting in the normal course of their  
15 business or in any way alter NNA's normal continuing business operations. Nor shall this Order in  
16 any way limit NNA or NNA's counsel's ability to communicate with authorized NNA dealers or NNA  
17 employees and similar persons who are not exclusively customers of NNA.

18 4. APPLICABILITY TO OTHER ORDERS

19 The Protective Order (Dkt. # 54) is hereby amended to the extent necessary to allow  
20 putative class member contact as set forth herein.

21 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

22 RESPECTFULLY SUBMITTED AND DATED this 27<sup>th</sup> day of March 2018.

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Attorneys for Plaintiffs

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1 **ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED this 28<sup>th</sup> day of March 2018.

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4 RICARDO S. MARTINEZ

5 CHIEF UNITED STATES DISTRICT JUDGE

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*[For customers contacted as a result of PII found in NNA's records:] Before we speak further, I am required to advise you that, as part of this litigation, Nissan has been required to provide plaintiffs' counsel with records kept by Nissan that concern information or complaints you provided to Nissan when you contacted Nissan's customer call center about your vehicle or when you brought your vehicle to an authorized Nissan dealership for service. Before providing these records to plaintiffs' counsel, Nissan removed identifying information to the extent permitted by the Court. However, Nissan was required to provide these records to plaintiffs' counsel without removing certain identifying information about you, including your name, address, and telephone number.*

Are you willing to speak with me concerning your Nissan vehicle?